

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Chawan Sunitha D/o Namdev by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No.C3/2596/2019-40, dated 31.01.2020 - Appeal filed by Chawan Sunitha D/o Namdev R/o. Rampur-B (V) Sirikonda Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 21

Dated: 08-02-2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-40, dt.31.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Chawan Sunitha D/o Namdev R/o.Rampur-B (V) Sirikonda Mandal of Adilabad District, dated 26.02.2020.
4. Govt.Memo.No.502/TW.LTR/2020, dated 17.09.2020
5. Lr.Rc.No.D5/309/2018, dated: 28.09.2020 of P.O, ITDA, Uttoor, Adilabad District.
6. Notice No.502/TW.LTR/2020, dt.17.09.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that the appellant Chawan Sunitha D/o Namdev R/o.Rampur-B (V) Sirikonda Mandal of Adilabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.6.2018 basing on the following findings of the Scrutiny Committee headed by the PO ITDA Uttoor:

- Appellant appeared before the Committee on 21.11.2019 and submitted following documents in support of his claim:
 - 1964-65 to 1985-86 pahani in favour of Raisal S/o Dhanji bearing Sy.No.25 situated at Dongargaon village of Indervelly Mandal.
 - 1994-95 to 2010-11 pahani in favour of Namdev S/o Gangaram bearing Sy.No.152 Situated at Rampur-B village of Sirikonda Mandal.
 - Migration certificate from Indervelly Mandal.
- Scrutiny Committee in its final hearing on 6.12.2019 has finally concluded with the following findings:
 - That the Tahsildar, Sirikonda has not issued any Agency area Certificate to the candidate for non-submission of the required record

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- That the names of the family tree of the candidate shown by her in the family tree are not tallying with the names shown in the land record and also she has not produced any connected records of 1950 and 1950 onwards.
- As seen from the family tree Shiva has got (3) sons i.e., Dhanji, Pathya and Khiriya but she has not submitted any proof showing that they are the own brothers.
- The land particulars of Raisal which are submitted by the candidate are not useful to the candidate in this case as she did not furnish the land particulars of 1950 of her father or grandfather.
- A show cause notice was issued to the appellant to attend before the District Collector, Adilabad on 28-01-2020 to prove her claim as Local ST with relevant material/documents.
- Appellant appeared before the District Collector, Adilabad on 28-01-2020 and deposed that:
 - Her grandfather namely Gangaram S/o Kiriya resided in Dongargaon prior 1950 to 1975. In 1975, he migrated to Rampur-B village.
 - Her grandfather Gangaram name was mentioned in 1975, 1977 voter list, but the land records available only in the name of brother of her grandfather since 1952.
 - After verification of documents submitted by the applicant, it is revealed that names of the family tree of the candidate shown by her in the family tree are not tallying with the names shown in the land records.
 - She was unable to prove the relationship of Raisal and her grandfather.
 - Candidate has not produced any other documentary evidence to prove residence in Agency Area of her family forefathers since 1950.
 - In 1975 his grandfather Sri Gangaram migrated to Rampur-B village and his name was mentioned in 1975, 1977 voter list, but the land records available in the name of her grandfather brother since 1952.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Chawan Suneetha D/o Namdev R/o Rampur-B, Sirkionda Mandal, Adilabad District, has filed Appeal before the Government under G.O.Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018. The contentions of Appellant Chawan Suneetha D/o Namdev are as follows:

- She has been qualified in Telangana Recruitment Test held in the year 2018-19.

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- In pursuance of High Court orders passed in WP No.31426/2018, dated 05.09.2018 and also as per Judgement in WP No.32413/2018 dated 14.09.2018, the DEO has forwarded provisional selection list in order to verify genuineness of the Local ST Certificates for issuing appointment orders and the provisional selection lists of candidates placed before the Scrutiny Committee constituted as per GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018.
- Accordingly, the Scrutiny Committee has taken up the case and conducted inquiry.
- The Tahisldar, Indervelly has issued Local ST Agency Area Certificate prior to migration from Dahegaon village of Indervelly Revenue Mandal to Rampur-B village of Sirikonda Revenue Mandal – therefore, declaring the petitioner as not a local ST as per definition of GO Ms.No.24, dt.12.06.2018 which came into force recently when earlier guidelines and procedures being continued since the year 1988 and 2000 after lapse of more than (28) years, itself is null and void, hence it is liable to be set aside.
- Before agreeing with the findings of the Scrutiny Committee headed by the PO ITDA Uttoor, it is obligatory on the part of the Collector and Dist. Magistrate, Adilabad to give an opportunity of hearing before recording its conclusions in declaring the petitioner herein but no such opportunity nor any show cause notice was issued regarding proposed cancellation of Local ST Area Certificate issued by the Tahsildar, Indervelly.
- The learned Dist. Collector and Magistrate, Adilabad found no substance in the impugned orders dated 31.1.2020 except a finding of illegal, contrary to law and standing rules, more particularly it is arbitrary, unconstitutional and disproportionate in the absence of any findings to be issued by the Inquiry Officer after conducting regular documents to disprove the claims of the appellant and in the absence of any fair opinion to be issued by the competent authorities either Inquiry Officer or Hand-writing Experts after confronting the documents through Ballastic experts etc.
- In the absence of any opportunity being afforded to the appellant and findings given by the Scrutiny Committee, without ascertaining the facts with circumstances as mentioned in the documentary proof, relevancy and admissibilites of facts that the forefathers, grandfathers are continuously hailing within the jurisdiction of notified and agency areas since by birth and declaring the petitioner Chawan Sunitha D/o Namdev R/o Rampur-B village of Sirikonda Mandal of Adilabad is not a local ST as per definition of GO Ms.No.24, dt.12.06.2018, deserves to be cancelled.
- There is no justification to cancel the Agency Area Local ST Certificate issued by the Tahsildar, Indervelly prior to promulgation of the impugned GO Ms.No.24 and in the absence of any discrete verifications with findings of Enquiry Officer's report as pre-requisite as per existing guidelines issued by the Commissioner (TW) in

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Circular Memo.Rc.No.231/2014/TRI/VC-8, dated 25.02.2015 shall continue under this GO Ms.No.24, dt.12.06.2018 (as at para 3 (ii) reads as follows: Errata has been issued to the above Memo dated 07.07.2011 modifying the issued guidelines as under:

- a) Birth and Death Registers since 26.01.1950.
 - b) Electoral Roll since 26.01.1950.
 - c) Sale deed documents for agriculture since 26.01.1950.
 - d) School record.
 - e) Any other acceptable document as evidence.
- Basing on the above documents submitted by the petitioner/appellant herein as mentioned in the impugned proceedings, the Tahsildar issued Local ST Certificate as directed vide GO Ms.No.68, SW (V) Department, dated 16.04.1988 and made necessary entries in a separate Register for the purpose of Agency Area Local ST Certificate i.e. POB Register opened permanently at Tahsildar's office Indravelly and without any enquiry or findings from the Inquiry officer, the Collector and District Magistrate, Adilabad declared the petitioner Chawan Sunitha D/o Namdev R/o Rampur-B village is not a local ST in view of the definitions in GO Ms.No.24, dt.12.06.2018 is liable to be set-aside.

4. Therefore, the Appellant prayed to consider her Appeal and to set aside the orders of the Dist. Collector, Adilabad in Procs.No.C3/2596/2019-40, dt.31.1.2020 and to pass such other order or orders deemed fit and proper in the facts and circumstances of the case and in the interest of principles of natural justice, equity and fair play.

5. The following documents have been submitted along with the Appeal and during hearing on 29.9.2020.

i. **As per Family Tree as certified by VRO Rampur-B, Revenue Inspector and Tahsildar, Indravelly:**

- Sheva is great great grandfather of applicant. He has three sons viz., 1) Dhanji 2) Phatiya and 3) **Khiriya (i.e. great grandfather of appellant).**
 - 1) **Dhanji (eldest brother of great grandfather of appellant)** has three sons viz., 1) Pakira 2) Premsing and 3) **Raisal.**
 - 2) Phatiya (elder brother of great grandfather of appellant) has two sons viz., 1) Dipla and 2) Ramsingh.
 - 3) **Khiriya (great grandfather of appellant)** has two sons namely 1) **Gangaram (grandfather of appellant)** and 2) Mothiram.

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- **Gangaram (grandfather of appellant)** has two sons namely 1) **Namdev (father of appellant)** and 2) Shankar.
 - **Namdev (father of appellant)** has five children viz., 1) Sangeeta (daughter) 2) **Sunitha (daughter and appellant)** 3) Rajesh (son) 4) Shilpa (daughter) and 5) Kailash (son).
- ii. As per Original Shetwar (Settlement Commissioner's Office) for the year 1952 of Dongargaon village of Indravelli Mandal of Adilabad District – Raisal S/o Dhansingh was Khatedar (son of eldest brother of great grandfather of appellant).
 - iii. As per Khasra Pahani for the year 1954-55 – Raisal S/o Dhansigh (son of eldest brother of great grandfather of appellant) was in possession of 15.00 acres in Sy.No.2/7
 - iv. Pahani 1963-64 – Sy.No.25 – extent acs.9.24 gts – Raisal S/o Dhansingh (son of eldest brother of great grandfather of appellant) was cultivator.
 - v. Pahani 1964-65 – Sy.No.25 – extent acs.9.24 gts – Raisal S/o Dhanji (son of eldest brother of great grandfather of appellant) was cultivator.
 - vi. Pahani 1976-77 – Sy.No.25 – extent acs.9.24 gts – Raisal S/o Dhanji (son of eldest brother of great grandfather of appellant) was pattedar.
 - vii. Pahani 1978-79 – Sy.No.25 – extent acs.9.24 gts – Raisal S/o Dhanji (son of eldest brother of great grandfather of appellant) was pattedar and also in Sy.No.26 for an extent of acs.5.02 gts.
 - viii. Pahani 1983-84 – Sy.No.25 – extent acs.9.24gts – Raisal S/o Dhanji (son of eldest brother of great grandfather of appellant) was pattedar and also in Sy.No.26 for an extent of acs.5.02 gts.
 - ix. Pahani 1985-86 - -do- -do-
 - x. Pahani 1994-95 – Sy.No.152 shows an extent of acs.1.28 patta in the name of Namdev S/o Gangaram (father of appellant).
 - xi. Pahani 1997-98 – Sy.No.153 shows an extent of acs.2.19 patta in the name of Chawan Namdev S/o Gangaram (father of appellant).

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- xii. Pahani 2004-05 – Sy.No.153 shows an extent of acs.2.19 patta in the name of Chawan Namdev S/o Gangaram (father of appellant).
- xiii. Pahani 2007-08 – Sy.No.153 shows an extent of acs.2.19 patta in the name of Chawan Namdev S/o Gangaram (father of appellant).
- xiv. Pahani 2010-11 – Sy.No.152 shows an extent of acs.1.28 patta and Sy.No.153 shows an extent of Acs.2.19 patta in the name of Chawan Namdev S/o Gangaram (father of appellant).
- xv. Pahani 2010 – Sy.No.152 shows an extent of acs.1.28 patta in the name of Chawan Namdev S/o Gangaram (father of appellant).
- xvi. Voter list for the year 1977 – 241 Boath Assembly Constituency – Part No.149 – village: Rampur-B – Taluq: Utnoor – Dist. Adilabad – Sl.No.36 shows name of Jangubai W/o Gangaram under H.No.1-18.
- xvii. Community and Date of Birth Certificate issued by Tahsildar, Inderavelly on 13.06.2016 certifies that Sri Sunitha Chawan D/o Namdev of Rampur-B village of Inderavelly mandal belongs to Lambadis-28 (ST) – DoB is 5.8.1989.
- xviii. Certificate bearing Rc.No.C/757/2019, dt.18.11.2019 issued by Tahsildar, Indervelly Mandal – certifies that on the basis of the certification made by the VRO Dongargaon and MRI Indervelly, Chawan Sunitha D/o Namdev belongs to ST Lambadis, now residing at Rampur-B village of Sirikonda Mandal of Adilabad District. As per records produced by the applicant, her grandfather's brother Rahisal S/o Dhanji was recorded in 1952 Wasool Baqui and 1954-55 Khasra pahani in Sy.No.2/7 situated at Dongargaon village of Indervelly Mandal, then after her grandfather late Gangaram was migrated from Dongargaon village to Rampur-B village in the year 1975. Sri Rahisal S/o Dhanji and Gangaram S/o Khirya both are cousin brothers. This certificate was issued at the request of Chawan Sunitha D/o Namdev R/o Rampur-B village of Sirikonda Mandal of Adilabad District for obtaining Local Scheduled Area Certificate.
- xix. Letter bearing Rc.No.C/757/2019, dated 26.10.2019 of Tahsildar, Indervelly addressed to the Tahsildar, Sirikonda wherein it was reported that applicant's parents were resided at Dongargaon village and her grandfather brother name was enrolled in 1952 Vasool Baqui & 1954-55 Khasra pahani namely Rahisal S/o Dhanji in Sy.No.2/7 situated at Dongargaon village of Indervelly Mandal, then after her grandfather late Gangaram was migrated from Dongargaon village to Rampur-B village in the year 1975. Further, the VRO Dongargaon and Girdavar, Indervelly have recorded village elders statement wherein they have deposed that Rahisal

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S/o Dhanji and Gangaram S/o Khirya both are cousin brothers and the then Tahsildar, Indervelly Mandal has issued Agency Area Certificate vide Certificate No. C/39/2007, dated 30.04.2007 at the time of Rampur-B is in Indervelly Mandal. Accordingly, the Tahsildar, Indervelly sent therewith the attested copy of 1952 Vasool Baqi, Khasra Pahani for the year 1954-55 and report of VRO Dongargaon, Girdavar, Indervelly and other relevant documents for necessary action. A copy of the said letter was also submitted to the RDO Utnoor for information under intimation to the applicant Chawan Sunitha D/o Namdev R/o Rampur-B village of Sirikonda Mandal.

- xx. Agency Area Certificate bearing Rc.No.C/39/07, dt.30.4.2007 issued by Tahsildar, Indervally – wherein it was certified that on the strength of self affidavit produced by the petitioner and as certified by the VRO Rampur-B and MRI-I Indervelly, Chawan Sunitha D/o Namdev, aged: 20 years belongs to ST Lambadis Tribe residing at Rampur-B village of Indervelly Mandal and District Adilabad as per records produced. Her date of birth is 05.08.1989. Her parents are residing in Rampur-B village of Indervelly mandal which falls within the Scheduled area since 26.1.1950
- xxi. Panchanama dated 12.09.2019 attested by Tahsildar, Indervelly Mandal - eldest great grandfather of applicant Chawan Sunitha D/o Namdev R/o Rampur-B village, namely Raisal S/o Dhanji's name was recorded in the land records of Dongargaon village from before 1950. Her great grandfather late Khirya and her grandfather Gangaram were migrated to Rampur-B village about 45 years back.
- xxii. Panchanama dt.12.09.2019 (to the effect of certifying Migration) along with Family Tree recorded by VRO and MRI and attested by Tahsildar, Indervelly Mandal – certifies Family Tree as stated at Sl.No.1 – further certifies that great grandfather and grandfather/grandmother of appellant namely Khirya, Gangaram and his wife Janubai migrated from Dongargaon village to Rampur-B village in the year 1975 for the purpose of cultivation and acquired lands.

6. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

7. Accordingly, vide reference 5th read above, the District Collector, Adilabad District has submitted original record of the case along with para-wise remarks.

8. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 29.9.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 29.9.2020, and submitted the documents as submitted along with Appeal Petition

9. Also perused the record of Scrutiny Committee headed by PO ITDA, Uttoor, Adilabad District.

10. From the record and document produced by the Appellant Chawan Sunitha as analysed above, it amply proves that the appellant and her ancestors have been continuously residing in the Agency villages i.e. Dongargaon village of Indervelly Mandal and Rampur-B village of the present Sirikonda Mandal of Adilabad District since 26.1.1950.

11. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 29.9.2020 and also in the light of the Interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, that the appellant Chawan Sunitha D/o Namdev and her ancestors have been continuously residing in the Agency villages i.e. Dongargaon village of Indervelly Mandal and Rampur-B Village of the present Sirikonda Mandal of Adilabad District since 26.1.1950.

12. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs. Rc.No.C3/2596/2019-40, dated 31.01.2020 and allowed the Appeal filed by Chawan Sunitha D/o Namdev R/o.Rampur-B Village, Sirikonda Mandal Adilabad District, and declaring her as local Sheduled Tribe of Rampur-B agency village in Sirikonda Mandal of Adilabad District and also her Agency Area Certificate bearing Rc.No.C/39/07, dated 30.4.2007 issued by the Tahsildar, Indervelly, is treated as valid.

13. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Chawan Sunitha D/o Namdev, R/o.Rampur-B, (V) Sirikonda Mandal,
Adilabad District.

Copy to:

- 1.The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
- 2.The Project Officer, ITDA Uttoor, Adilabad District (for information &
necessary action)
- 3.The District Educational Officer, Adilabad (for information &
necessary action)
- 4.The PS to Hon'ble Minister for ST Welfare for information.
- 5.The PS to Secretary (TW)
- 6.The PS to Special Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER